

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

KRUMMHOLZ INTERNATIONAL INC.
and SWISSDIGITAL USA CO., LTD.,

Plaintiffs,

-against-

WENGER, S.A.

Defendant.

: Hon. William M. Skretny, U.S.D.J.

: Civil Action No. 1:15-cv-86-WMS


: **DECLARATION OF RYAN S.**
: **OSTERWEIL IN SUPPORT OF**
: **DEFENDANT WENGER S.A.'S REPLY**
: **BRIEF IN SUPPORT OF ITS MOTION**
: **TO DISMISS THE CORRECTED**
: **SECOND AMENDED COMPLAINT**
: **PURSUANT TO FED. R. CIV. P. 12(b)(1)**
:

I, Ryan S. Osterweil, of full age, hereby declare as follows:

1. I am an associate at the law firm of Day Pitney LLP, counsel for Defendant Wenger S.A. ("Wenger") in the above-captioned matter. I submit this Declaration in support of the Reply Brief in support of Wenger's Motion to Dismiss the claims in the Corrected Second Amended Complaint filed by Plaintiffs Krummholz International Inc. and Swissdigital USA Co. Ltd. The information herein is based on my personal knowledge or on documents reviewed by me in connection with my normal course of business.

2. I attach as Exhibit A hereto a true and correct copy of the Declaration of Jean-Daniel Bussard, Chief Financial Officer of Wenger S.A., which was filed on June 10, 2015 in the District Court for the District of Nevada in a matter that has since been transferred to this Court and is now docketed as 1:15-cv-00637-WMS-HKS.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
October 7, 2015.

By: 
Ryan S. Osterweil